

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

☐ Eastern (Jackson) DIVISION
☒ Western (Memphis) DIVISION

2021 AUG 12 2:23

Lisa Whitehead

Plaintiff,

vs.

Sterling Jewelers, Inc.

Defendant.

No. _____

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166)

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

NOTE: In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

PARTIES

3. Plaintiff resides at:

988 Lumsden Manor Dr N 303
STREET ADDRESS
Shelby, Tn, 38017, 662-519-6367
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

375 Ghent Road
STREET ADDRESS
Summit, Fairlawn, OH, 44333
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

5. The address at which I sought employment or was employed by the defendant(s) is:

5205 Airways Blvd Southaven, MS 38671

STREET ADDRESS

DeSoto Southaven MS 38671
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes (*check only those that apply*)

- ☐ Failure to hire
- ☒ Termination of my employment
- ☐ Failure to promote
- ☐ Failure to accommodate my disability
- ☒ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☐ Other acts(*specify*): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:

May 2019 - Now
Date(s)

8. I believe that the defendant(s) (*check one*):

- ☒ is still committing these acts against me.
- ☐ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:
(*check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.*)

☒ Race African American

☒ Color Black

☒ Gender/Sex Female

☐ Religion _____

☐ National Origin _____

☐ Disability _____

☐ Age. If age is checked, answer the following:
I was born in _____. At the time(s) defendant(s) discriminated against me.

I was [] more [] less than 40 years old. (check one)

NOTE: Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

I was furloughed March 2019 with no previous disciplinary actions in my work file. I received a text message from district manager Eric Smith on 9/17/20 stating that several attempts had been made to reach me to return to work and last attempt were on 8/19/20. I responded to Eric Smith and sent him a screen shot of my phone records stating that his information was incorrect. At that time he asked if

(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the

10. CONT. I would give him a call upon talking Eric he discussed with me that Jodi hadn't been in contact like she advised and I told him yes. He told me he would discuss ~~the~~ with Jodi the phone records and why she never responded to my call or text message. After we got all this cleared up for me to return to work Jodi reached out with a text message stating that Eric said I was ready to return to work and sent me two weeks of schedules. The following week Eric sent me a text message asking if I had time to get on a call with him I stated yes. Eric called me and were asking me about accusations + concerns Jodi, Natasha, & Trish had about me returning to work. These concerns and accusations were new to myself and Eric and never were brought up against me until I sent Eric my phone records of Jodi being dishonest about contacting me to return to work. At this point I asked Eric to contact Human Resources about their concerns he didn't contact HR I contacted HR and HR launched an investigation that didn't result into anything. I was retaliated against for reporting my phone records to the DM Eric Smith. Still to this day I'm being inconvenienced of returning to work. I've even been contacted by now DM Melissa to consider taking a fresh start with the Zales in Southaven which I declined. Her reasoning for asking ~~was~~ it was important everyone were comfortable as if I had done something wrong.

charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: _____

12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: April 19, 2020
Date

Only litigants alleging age discrimination must answer Question #13.

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. (check one):

- ☐ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission (check one):

- ☐ ~~has not~~ issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I received on May 15, 2020
Date

NOTE: This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

NOTE: You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.

16. I would like to have my case tried by a jury:

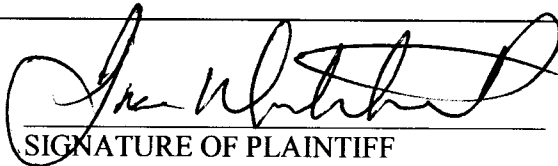
- ☒ Yes
- ☐ No

WHEREFORE, plaintiff prays that the Court grant the following relief:

- ☒ direct that the Defendant employ Plaintiff, or
- ☒ direct that Defendant re-employ Plaintiff, or
- ☒ direct that Defendant promote Plaintiff, or
- ☒ order other equitable or injunctive relief as follows: _____

☒ direct that Defendant pay Plaintiff back pay in the amount of \$300,000 and interest on back pay;

☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \$1,000,000.00


SIGNATURE OF PLAINTIFF

Date: August 10, 2021

PO Box 30076
Address
Memphis TN 38130
662-519-6367
Phone Number